
Gary Davis,[redacted]
Deputy Sheriff
Community College Bureau

IAB# 2102428

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Gary Davis, #[redacted]
Deputy Sheriff
Community College Bureau

The evidence in this investigation supports the following charges:

That in violation of Manual Section 3-01/050.10, Performance to Standards, on or about October 15, 2003, the Subject, while supervising a subordinate security officer and operating the desk radio at L.A. City College, refused to acknowledge repeated radio transmissions from this subordinate.

That in violation of Manual Section 3-01/040.70, Making False Statements to a Supervisor, told a supervising sergeant during an inquiry that he had, in fact, acknowledged this subordinates transmissions.

That in violation of Manual Section 3-01/040.75, Making False Statements During an Internal Investigation, the Subject refused to admit that he had heard the transmissions made by this subordinate and had not acknowledged them.

Summary:

Subject Deputy Davis was controlling the desk radio at Los Angeles City College when he was asked to switch to the tactical frequency. He did so and was told by Security Officer [redacted] that she had locked up a portion of the campus and then asked for acknowledgment from Subject Davis. Davis did not acknowledge her transmission. While [redacted] was trying to get Davis to respond to her, she was approached by the victim of an earlier campus bike theft. [redacted] was told by the victim/citizen that he was going to confront some nearby boys who had a bike resembling one stolen from him earlier. Security Officer [redacted] continued to try to get acknowledgment from Davis on the tactical frequency and advised him she needed back-up regarding a victim/citizen about to retrieve his bike from possible suspects. [redacted] did not go back to the primary frequency to ask for back-up regarding her potential victim/citizen. Instead, she gave no indication of the problem she was facing in any of her radio traffic on the tactical or primary frequency. She simply repeated her request for Subject Davis to switch radio frequencies and talk to her on the tactical channel. Security Officer [redacted] later complained to College Bureau Operations staff that Subject Deputy Davis had intentionally ignored her radio traffic. An inquiry was conducted by Sergeant Parker.

When asked about the radio traffic, Subject Davis unequivocally told Sergeant Parker that he had, in fact, acknowledged [redacted] radio

traffic. Sergeant Parker acquired a copy of the radio traffic (see attached CD) and realized that Subject Davis had been untruthful. Parker learned that another College Bureau Deputy, [redacted] had monitored the tactical frequency while at Southwest College and overheard Security Officer [redacted] efforts to get an acknowledgment from Subject Davis. Deputy [redacted] spoke to Security Officer [redacted] on the radio and was told simply that she wanted someone at the LA City College to acknowledge her radio traffic but gave [redacted] no indication of her need for back-up. Deputy [redacted] called the desk at LA City College and told Cadet [redacted] who was staffing the phone and seated next to Subject Davis, of the need for someone at the desk to go the tactical frequency. [redacted] told Subject Davis about this but Subject Davis simply did not acknowledge Security Officer [redacted] on either the primary frequency or the tactical frequency. [redacted] said that at some point during [redacted] efforts to get acknowledgment, Davis told him ([redacted] that [redacted] was trying to advise him about having locked up another part of the campus. [redacted] was certain that he (Davis) did not acknowledge [redacted] because of this.

A unit level investigation was initiated and during the investigation, Subject Davis refused to admit that he had not acknowledged [redacted] on the radio. Early in the interview, Davis also denied being told by Cadet [redacted] seated next to him, that Security Officer [redacted] was asking him to acknowledge her radio traffic on the tactical frequency. Later in the interview, he made statements to the effect that he had heard [redacted] tell him to switch to the tactical frequency, did so, and heard nothing.

It appears from all the information gathered, that Subject Deputy Davis was intentionally not acknowledging Security Officer [redacted] on the radio. Furthermore, during both the inquiry by Sergeant Parker and the Unit Level IAB investigation, Davis was deceptive. It should be noted that when the citizen/victim got closer to the kids he thought had his bike, he saw that the bike was not his and waved [redacted] off, walking away.

DISCIPLINE ASSESSMENT

Assessment of Comparative Discipline


Gary Davis [redacted]
Deputy Sheriff
Community College Bureau

IAB# 2102428

The Department's Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:

Performance to Standards	Written reprimand to termination
Untruthful statements to a supervisor	10-15 days suspension
Untruthful statements during an internal investigation	15-25 days suspension

Assessment of Mitigating and Aggravating Factors

Subject Davis is and was aware of the requirements that he follow established radio procedures. He is and was also aware of the requirements set forth in the Manual of Policy and Procedures, as well as our Core Values, requiring that he be truthful and forthcoming in all matters. The only element in mitigation for Subject Deputy Davis is that Security Officer [redacted] ailed to follow proper radio operating procedures and did not go to the primary frequency and ask for back-up to deal with a potential problem she was untrained to handle.

Severity of Infractions:

These violations were all extremely serious. The radio procedures violation by Subject Davis was one that could have resulted in injury to Security Officer [redacted] Security Officer [redacted] failed to use proper procedures during this incident. However, Subject Deputy Davis is her supervisor and should have responded.

Degree of Culpability:

Subject Davis is solely responsible for these violations.



Intent, Truthfulness, and Acceptance of Responsibility:

Subject Davis was not truthful and refuses to accept responsibility for his failure to act.

Past Performance and Discipline History:

This is the first and only violation of this sort in Subject Davis' (3) years with the Department. He has performed competently or better for every evaluation period.

Disposition

Based upon the foregoing assessment of the mitigating and aggravating factors, the following is the recommended penalty, subject to revision upon receiving the Subject's response or grievance:

(10) DAY SUSPENSION



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

April 19, 2004

Deputy Gary Davis, #[redacted]
[redacted]

Dear Deputy Davis

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of ten (10) days.

An investigation under File Number IAB 2102428, conducted by Community College Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about October 15, 2003, you failed to establish and maintain the highest standards of efficiency while supervising a subordinate security officer and operating the desk radio at L.A. City College, when you refused to acknowledge repeated radio transmissions from your subordinate, Security Officer [redacted]

2. That in violation of Manual of Policy and Procedures Section 3-01/040.70, False Statements, you made a false statement to a supervising sergeant during an inquiry concerning this incident, that you had, in fact, acknowledged this subordinate's transmission.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about January 5, 2004, during your subject interview for this investigation, you refused to admit

that you had heard the transmissions made by your subordinate, Ms. [redacted] when a copy of the radio traffic refutes this.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Reba Barnes of the Internal Affairs Bureau at [redacted] and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Janet H. Williams, Captain
Commander, Community College Bureau

JHW:EBS:rjb

c: Advocacy Unit
Employee Relations Unit
Ronnie M. Williams, A/Chief, Field Operations Region II
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2102428)

RECEIVED

MAY 1 0 2004

EMPLOYEE RELATIONS

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Gary Davis, Employee Number [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated April 19, 2004, (IAB No. 2102428) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. The Department will, upon execution of this Agreement, reduce the intended ten (10) day suspension to a four (4) day suspension.

2. The Department will further impose two (2) days of the intended four (4) day suspension. The remaining two (2) day suspension will be held in abeyance.

3. The Grievant understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this Agreement, the two (2) days held in abeyance shall be imposed. In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that the Grievant's records will reflect that the four (4) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. Both parties further agree that the alleged violation of Manual of Policy and Procedures Section 3-01/040.70, False Statements, shall be rescinded.

6. The Grievant further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above.



7. The parties further agree that this Settlement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

8. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

9. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

10. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

11. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 05/03/04

Gary Davis, Deputy

Date: 5/3/04

Janet Williams, Captain

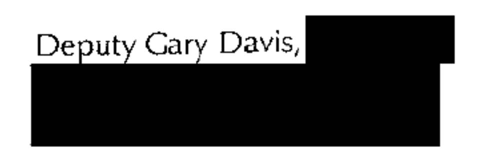


County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

June 1, 2004



Deputy Gary Davis, [redacted]

Dear Deputy Davis:

On April 19, 2004, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2102428. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of four (4) days. However, pursuant to a settlement agreement between you and the Department, two (2) of the four (4) days will be held in abeyance for a period of twelve (12) months which will end on May 2, 2005. If you should become the Subject of a founded administrative investigation, with similar violations, and the event occurred within the prescribed twelve (12) month time period, the two (2) days held in abeyance will be imposed. Additionally, you will be subjected to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures. All Departmental records will reflect, nevertheless, that you received a four (4) day suspension.

The effective dates for the remaining two (2) day suspension are from June 2, 2004 through June 3, 2004.

An investigation under File Number IAB 2102428, conducted by Community College Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about October 15, 2003, you failed to establish and maintain the highest standards of efficiency

while supervising a subordinate security officer and operating the desk radio at L.A. City College, when you refused to acknowledge repeated radio transmissions from your subordinate, Security Officer [redacted]

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about January 5, 2004, during your subject interview for this investigation, you refused to admit that you had heard the transmissions made by your subordinate, Ms. [redacted] when a copy of the radio traffic refutes this.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Janet H. Williams, Captain
Commander, Community College Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JHW:EBS:rjb

c: Advocacy Unit
Ronnie M. Williams, A/Chief, Field Operations Region II
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Community College Bureau/ unit Personnel File